

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*The Montgomery County Board of County
Commissioners et al. v. Cardinal Health, Inc.,
et al.*, Case No. 1:18-op-46326-DAP (“Track
Seven”)

MDL 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**[PROPOSED] ORDER GRANTING PLAINTIFF’S MOTION FOR PARTIAL SUMMARY
JUDGMENT ON DEFENDANTS’ DUTIES UNDER THE CONTROLLED SUBSTANCES
ACT**

Plaintiff’s motion for partial summary judgment asking the Court to adopt its prior rulings dated August 19, 2019 and August 6, 2020, on the scope of distributors’ and dispensers’ duties under the Controlled Substances Act is GRANTED.

As set forth in those rulings, (a) as distributors, Defendants were required to (i) provide effective controls against diversion of controlled substances; (ii) design and implement a system to detect suspicious orders of controlled substances; and (iii) halt shipment of suspicious orders unless and until they were able to determine through investigation that the order was not likely to be diverted; and (b) as dispensers, Defendants, and not merely their pharmacist employees, were required to (i) provide effective controls against diversion of controlled substances in both storage and dispensing, not merely to guard against theft; (ii) take appropriate measures to ensure that only valid prescriptions for controlled substances were dispensed from their stores; (iii) conduct their business in a way that allowed their pharmacists to properly dispense controlled substances on their behalf, including providing for the identification and resolution of “red flags” indicative of diversion; and (iv) make appropriate use of, and not ignore, data in their possession to assist in carrying out their

obligation to dispense only valid prescriptions for controlled substances.

IT IS SO ORDERED.

DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE